

prior to the effective date of this section, under an implied promise of confidentiality.

PART 1902—INFORMATION SECURITY REGULATIONS

Subparts A-E [Reserved]

Subpart F—Declassification and Downgrading

AUTHORITY: Sec. 5-402 of Executive Order 12065.

§ 1902.13 Declassification and Downgrading Policy.

(a)—(b) [Reserved]

(c) The Executive Order provides that in some cases the need to protect properly classified information “may be outweighed by the public interest in disclosure of the information,” and that “when such questions arise” the competing interests in protection and disclosure are to be balanced. The Order further provides that the information is to be declassified in such cases if the balance is struck in favor of disclosure. The drafters of the Order recognized that such cases would be rare and that declassification decisions in such cases would remain the responsibility of the Executive Branch. For purposes of these provisions, a question as to whether the public interest favoring the continued protection of properly classified information is outweighed by a public interest in the disclosure of that information will be deemed to exist only in circumstances where, in the judgment of the agency, nondisclosure could reasonably be expected to:

- (1) Place a person’s life in jeopardy.
- (2) Adversely affect the public health and safety.
- (3) Impede legitimate law enforcement functions.
- (4) Impede the investigative or oversight functions of the Congress.
- (5) Obstruct the fair administration of justice.
- (6) Deprive the public of information indispensable to public decisions on issues of critical national importance (effective for declassification reviews conducted on or after 1 February 1980).

(d) When a case arises that requires a balancing of interests under paragraph (c) above, the reviewing official shall refer the matter to an Agency official having Top Secret classification authority, who shall balance. If it appears that the public interest in disclosure of the information may outweigh any continuing need for its protection, the case shall be referred with a recommendation for decision to the appropriate Deputy Director or Head of Independent Office. If those officials believe disclosure may be warranted, they, in coordination with OGC, as appropriate, shall refer the matter and a recommendation to the DDCI. If the DDCI determines that the public interest in disclosure of the information outweighs any damage to national security that might reasonably be expected to result from disclosure, the information shall be declassified.

[45 FR 64175, Sept. 29, 1980]

PART 1903—REGULATIONS TO IMPLEMENT SECTION 401 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1985

Sec.

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§ 1903.1

AUTHORITY: Sec. 401, Intelligence Authorization Act for Fiscal Year 1985 (50 U.S.C. 403o).

SOURCE: 50 FR 19154, May 6, 1985, unless otherwise noted.

§ 1903.1 Applicability.

These regulations apply to all property under the charge and control of the Security Protective Service of the Central Intelligence Agency and to all persons entering in or on such property (hereinafter referred to as *protected property*). Employees of the Central Intelligence Agency and any other persons entering upon protected property shall be subject to these regulations.

§ 1903.2 Control of activities on protected property.

Persons in and on protected property shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the direction of Security Protective Officers and any other duly authorized personnel.

§ 1903.3 Restrictions on admission to protected property.

Access to protected property shall be restricted to ensure the orderly and secure conduct of Agency business. Admission to protected property will be restricted to employees and other persons with proper authorization who shall, when requested, display government or other identifying credentials to the Security Protective Officers or other duly authorized personnel when entering, leaving, or while on the property.

§ 1903.4 Control of vehicles on protected property.

Drivers of all vehicles entering or while on protected property shall comply with the signals and directions of Security Protective Officers or other duly authorized personnel and any posted traffic instructions. The blocking of entrances, driveways, walks, loading platforms, or fire hydrants on protected property is prohibited. Driving a non-emergency vehicle above the prescribed speed limit is prohibited. All vehicles shall be driven in a safe and careful manner at all times.

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§ 1903.5 Enforcement of parking regulations.

For reasons of security, parking regulations shall be strictly enforced. Except with proper authorization, parking on protected property is not allowed without a permit. Parking without a permit or other authorization, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owner's risk, which shall be in addition to any penalties assessed pursuant to § 1903.19. The Agency assumes no responsibility for the payment of any fees or costs related to such removal which may be charged to the owner of the vehicle by the towing organization. This paragraph may be supplemented from time to time with the approval of the CIA Director of Security by the issuance and posting of such specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof. Proof that a vehicle was parked in violation of these regulations or directives may be taken as *prima facie* evidence that the registered owner was responsible for the violation.

§ 1903.6 Security inspection.

Any personal property, including but not limited to any packages, briefcases, containers or vehicles brought into, while on, or being removed from protected property are subject to inspection. A search of a person may accompany an investigative stop or an arrest.

§ 1903.7 Prohibition on weapons and explosives.

No persons entering or while on protected property shall carry or possess, either openly or concealed, firearms, other dangerous or deadly weapons, explosives, or items intended to be used to fabricate an explosive or incendiary device, except as authorized by the CIA Director of Security or his designee at each Agency facility.

§ 1903.8 Prohibition on photographic, transmitting and recording equipment, and “Walkman-type” radios.

No persons entering or while on protected property shall bring or possess any photographic, transmitting, or recording equipment of any kind, or any “Walkman-type” radio, except as specifically authorized by the CIA Director of Security or his designee at each Agency facility.

§ 1903.9 Prohibition on narcotics and illegal substances.

Entering or while on protected property under the influence of, or using or possessing, any narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine is prohibited. Operation of a motor vehicle entering or while on protected property by a person under the influence of narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines is also prohibited. The above prohibitions shall not apply in cases where the drug is being used as prescribed for a patient by a licensed physician.

§ 1903.10 Prohibition on alcohol.

Entering or while on protected property under the influence of alcoholic beverages is prohibited. Operation of a motor vehicle entering or while on protected property by a person under the influence of alcoholic beverages is prohibited. The use of alcoholic beverages on protected property is also prohibited, except on occasions and on protected property for which the CIA Deputy Director for Administration or his designee has delegated in writing to the head of an office or division the authority to grant approval for such use, and approval has been granted. A copy of all such written delegations shall be provided to the CIA Director of Security.

§ 1903.11 Restrictions on the taking of photographs.

In order to protect the security of the Agency’s facilities, photographs on protected property may be taken only with the consent of the CIA Director of Security. The taking of photographs includes the use of television cameras, video taping equipment, and motion picture cameras.

§ 1903.12 Physical protection of facilities.

The willful destruction of, or damage to any protected property, or any buildings or personal property thereon, is prohibited. The theft of any personal property, the creation of any hazard on protected property to persons or things, and the throwing of articles of any kind at buildings or persons on protected property are prohibited. The improper disposal of trash or rubbish on protected property is also prohibited.

§ 1903.13 Disturbances on protected property.

Any conduct which impedes or threatens the security of protected property, or any buildings thereon, or which disrupts performance of official duties by Agency employees, or which interferes with ingress to or egress from protected property is prohibited. Also prohibited is any disorderly conduct, any failure to obey an order to depart the premises, unwarranted loitering or other behavior which creates loud or unusual noise or nuisance, or any conduct which obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways or parking lots.

§ 1903.14 Prohibition on gambling.

Participating in games for money or other personal property, or the operating of gambling devices, the conduct of a lottery, or the selling or purchasing of numbers tickets, in or on protected property is prohibited. This prohibition shall not apply to the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and conducted by an agency of a State as authorized by section 2(a)(5) of the Randolph-Sheppard Act, as amended (20 U.S.C. 107a(a)(5)).

§ 1903.15 Restriction regarding animals.

No animals except guide dogs for the blind or Agency guard or search dogs shall be brought upon protected property, except as authorized by the CIA Director of Security or his designee at each Agency facility.

§ 1903.16 Soliciting, vending, and debt collection.

Commercial or political soliciting, vending of all kinds, displaying or distributing commercial advertising, collecting private debts or soliciting alms on protected property is prohibited. This does not apply to (a) national or local drives for funds for welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service," issued by the U.S. Office of Personnel Management under Executive Order 10927 of March 18, 1961, and sponsored or approved by the Central Intelligence Agency; and (b) concessions on personal notices posted by employees or authorized bulletin boards.

§ 1903.17 Distribution of unauthorized materials.

Distributing, posting or affixing materials, such as pamphlets, handbills, or flyers, on protected property is prohibited, except as provided by § 1903.16, as authorized by the CIA Director of Security or his designee at each Agency facility, or when conducted as part of authorized Government activities.

§ 1903.18 Nondiscrimination.

There shall be no unlawful discrimination by segregation or otherwise, because of race, creed, sex, color, or national origin against any person or persons admitted upon protected property in furnishing or by refusing to furnish to such person or persons the use of any services, privileges, accommodations, or activities provided on the protected property.

§ 1903.19 Penalties and the effect on other laws.

Whoever shall be found guilty of violating while on any protected property any provision of these regulations is subject to a fine of not more than \$50 or imprisonment of not more than 30 days, or both. Nothing in these regulations shall be construed to abrogate or supersede any other Federal laws or any State and local laws or regulations applicable to any area in which the protected property is situated.

PART 1904—PROCEDURES GOVERNING ACCEPTANCE OF SERVICE OF PROCESS

Sec.

1904.1 Scope and purpose.

1904.2 Definitions.

1904.3 Procedures governing acceptance of service of process.

1904.4 Notification to CIA Office of General Counsel.

1904.5 Authority of General Counsel.

AUTHORITY: 50 U.S.C. 403g; 50 U.S.C. 403(d)(3); E.O. 12333 sections 1.8(h), 1.8(i), 3.2.

SOURCE: 56 FR 41458, Aug. 21, 1991, unless otherwise noted.

§ 1904.1 Scope and purpose.

(a) This part sets forth the limits of authority of CIA personnel to accept service of process on behalf of the CIA or any CIA employee.

(b) This part is intended to ensure the orderly execution of the Agency's affairs and not to impede any legal proceeding.

(c) CIA regulations concerning employee responses to demands for production of official information in proceedings before federal, state, or local government entities are set out in part 1905 of this chapter.

§ 1904.2 Definitions.

(a) *Agency* or *CIA* means the Central Intelligence Agency and include all staff elements of the Director of Central Intelligence.

(b) *Process* means a summons, complaint, subpoena, or other official paper (except garnishment orders) issued in conjunction with a proceeding or hearing being conducted by a federal, state, or local governmental entity of competent jurisdiction.

(c) *Employee* means any CIA officer, any staff, contract, or other employee of CIA, any person including independent contractors associated with or acting for or on behalf of CIA, and any person formerly having such a relationship with CIA.

(d) *General Counsel* includes the Deputy General Counsel or Acting General Counsel.